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"I have heard the Elders say that when the terms of the treaties were deliberated the smoke from the pipe carried that agreement to the Creator binding it forever. An agreement can be written in stone, stone can be chipped away, but the smoke from the sacred pipe signified to the First Nation peoples that the treaties could not be undone."

Ernest Benedict, Mohawk Elder
Akwasasne, Ontario
June 1992

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Landmark is published by the Indian Claims Commission to inform readers of Commission activities and developments in specific claims. Landmark and other ICC publications are also available on our Web site at www.indianclaims.ca.

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Listening to the Elders: THE IMPACT OF ORAL HISTORY AND TRADITION ON COMMISSION INQUIRIES



Meat would be preserved by sun-drying. Once dried, it could be made into pemmican or stored for later use. View taken on the Blood Reserve in the 1920s. *Glenbow Archives NA-879-5*

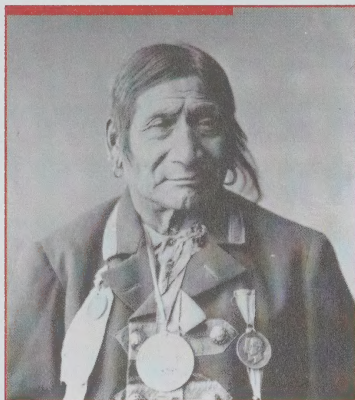
In the Blood Tribe/Kainaiwa inquiry, government records told one part of the story of what happened in 1889 when the federal government took a surrender of 440 acres of reserve land. Elders' oral history told another very different part. In the end, both written and oral history were necessary to fully understand what happened.

The documentary record shows that Chief Red Crow, leader of the Blood Tribe/Kainaiwa in 1889, marked a surrender

document before a Justice of the Peace. Through the community session, however, it became clear to Commissioners that members of the Blood Tribe/Kainaiwa had no recollection of a surrender meeting and that elders believed the surrender had been obtained through fraud.

Wilton Good Striker, for example, pointed out that the language spoken by the Bloods did not include a word for "surrender" until the 20th century. Elder Margaret





Chief Red Crow of the Blood Tribe/Kainaiwa
c. 1889 with treaty medals. *Glenbow Archives*
NA-56-1

Hind Man recalled that the Chief Red Crow “didn’t know how to write nor did he know how to speak English.”

Elder after elder recalled that Red Crow was known for his stewardship of the land.

Said Elder Louise Crop Eared Wolf: “Now, if in fact Red Crow and the other leaders were made to sign a document, I can only suspect that it was another act of deceit on somebody’s part.”

Before the end of the inquiry, the oral evidence persuaded the federal

government that the surrender had been taken in breach of the *Indian Act* and that Canada had an outstanding lawful obligation to the Blood Tribe/Kainaiwa. The First Nation and Canada are now negotiating a settlement with the facilitation of the Commission.

This is just one example of the impact of oral evidence on Commission inquiries.

“The Cold Lake and Canoe Lake inquiries in Alberta, the Nak’azdli inquiry in British Columbia, the Kahkewistahaw inquiry in Saskatchewan – these and others all benefited from oral evidence provided from community members,” Co-Chair Jim Prentice noted.

Said Co-Chair Dan Bellegarde: “Oral evidence is by no means the final determining factor in any claim, but it can be very useful in getting a complete picture of the issues and events.”

How Oral History and Tradition are used at the Commission

Since its creation in 1991, the Indian Claims Commission has recognized that elders and community members are a valuable source of information on the history of a land claim.

“Long before the Supreme Court of Canada in the *Delgamuukw* decision validated the use of oral history and tradition, the Commission’s unique inquiry



Shot Both Sides – head chief of the Blood Tribe/Kainaiwa from 1913 to 1956. Photo taken by
T.J. Hileman in 1927. *Glenbow Archives* NB-21-13

process integrated the aboriginal oral tradition with western concepts of judicial procedure through its community sessions,” said Commissioner Carole Corcoran. “Previously, the courts and government dismissed aboriginal oral history and tradition as unreliable in favour of written history.

In the *Delgamuukw* case, the trial court dismissed the songs and stories of Gitksan and Wet’suwet’en elders as ‘hearsay,’ but in 1997 the Supreme Court found that oral history and tradition warrant the same respect as documentary evidence. Oral history and tradition must be weighed and considered in the same manner as documentary evidence.

Historically, First Nations had strict practices to govern the use and transmittal of oral tradition. The Plains Cree, for example, protected their oral history by strict laws governing the way it was passed along. The Cree assigned “keepers,” who were the only people authorized to tell certain stories. If the keeper passed the story along to another person, the story had to be told exactly as it was received and the original keeper of the story, named each time – much like the

WHAT IS ORAL HISTORY AND TRADITION?

Although oral history is often used to refer to all types of traditional aboriginal knowledge that is stored and passed along by word-of-mouth, experts distinguish between oral history and oral tradition.

Oral history is knowledge based on the experience of the person speaking, usually recollections of events the person saw, heard of or took part in.

Oral tradition is knowledge that goes back many generations. The person holding such knowledge did not witness or participate in the events described. Such knowledge may take the form of laws, myths, songs, stories or fables. It may take the form of place-names or phrases in a traditional Aboriginal language. Weaving, masks, totem poles, carvings and other symbol creations may be used by some First Nations to record information.



practice of quoting from another text and footnoting the source. The Cree smoked peace pipes to demonstrate the solemnity of an event and to guarantee that a speaker told the truth – much like oath-taking. Many northwest coast First Nations, like the Gitksan and Wet'suwet'en, performed their clans' songs, dances and stories before the entire community at feasts so that all could witness and verify the truth of what was said – much like making legislatures open to the public.

When gathering evidence from elders and community members, the ICC strives to be culturally sensitive. Before a community session, Commission liaison staff visit the community to plan the session, taking into account the First Nation's specific traditions and needs.

During the community session, elders and community members are not



Margaret Hindman, Blood Tribe Elder

required to swear an oath before presenting information out of respect for the aboriginal oral tradition, which is as valid in First Nation culture as are history books in the European culture. Elders and community members speak the language of their choice, and simultaneous interpretation is supplied if necessary.

The proceedings are tape recorded and transcribed by a court reporter to preserve the information presented for future reference.

Elders are not cross-examined, but legal counsel for Canada and the First Nation attend the hearings, and may pose questions for clarification or elaboration through the ICC's counsel. That way, only one person is asking questions and it is easier for elders and community members to present their information and respond to questions. After counsel is finished asking questions, ICC Commissioners may question the elder or community member.

The oral evidence can provide facts that differ from or support the documentary record. It can demonstrate what the claim means to the community. In the words of Co-Chair Bellegarde, oral history and tradition also "put faces to a tragedy we'd only read about before."



When the British officially presented the Royal Proclamation of 1763 to 2,000 chiefs at Niagara, the chiefs gave them in return several two-row wampum belts. The two parallel rows of purple beaded shells represent the First Nations' understanding of the Proclamation – two nations living side by side peacefully. Each carefully woven belt symbolizes an agreement and is entrusted to "keepers of the wampum" – designated Elders who "read" these "beaded documents" and explain their meaning. *National Archives of Canada PA12410A*



Entering the Web

USEFUL INTERNET SITES FOR CLAIMS RESEARCH

The Internet can be defined in one word – “chaos.” There are no rules for the Internet or, as it is also called, the World Wide Web. There are no set instructions, no correct way to find or do things. Web sites come and go quickly, but the Internet can still provide a wealth of information for those willing to dig for it. Through the Internet you can link into another organization's databases without leaving home.

Listed below are a series of well-known aboriginal resource sites. One hint: start your research at the University of Saskatchewan's index of history sites. There, you'll find archives from across the country that will help you get right to the best resources. All Web site addresses were current at the publication of this newsletter.

Aboriginal Professional Centre and Internet Services' Native Links

www.johnco.com/native/

This is an extremely well-organized site, maintained by the same people who edit and publish *SSHARE*.

Bill's Aboriginal Links

www.bloorstreet.com/300block/aborcan.htm

This is one of the most comprehensive collections of aboriginal information you'll find anywhere, maintained by lawyer Bill Henderson.

The Department of Indian Affairs and Northern Development

www.inac.gc.ca

On this bilingual site, the Department houses information about its policies and programs, although the site does not have a search engine.

Fred Pashe's Native Pages

<http://juliet.stfx.ca/~rmackinn/native.htm>

This is another comprehensive list of links with an extensive selection of Mi'kmaq links.

The Indian Claims Commission

www.indianclaims.ca

Here you'll find the full text of all the Commission's reports, as well as other Commission publications, the Claims Map updating the status of claims with the Commission across Canada, and other background information about the Commission and specific claims. Use the search engine feature to help you find what you're looking for if you're not sure what report or publication covers your issue of interest.

Indigenous Bar Association

www.indigenousbar.ca

Most major cases relevant to aboriginal law are available to download or view through this site, from the *Sparrow* decision of 1989 to the *Corbiere* decision of 1999.

Academic Info, Canadian History

www.academicinfo.net/canhist/html

This site, maintained by Mike Madin of Academic Info, Seattle, Washington, offers a comprehensive introduction to Canadian history, linking to the *Canadian Journal of History*, the provincial archives of Manitoba which now holds the Hudson's Bay Company archives, as well as several museums across Canada.

The National Archives of Canada, ArchiviaNet

www.archives.ca

From the National Archives' bilingual Home page, click on the ArchiviaNet page and you'll be able to search through the Archives' collection from your desk to get all the relevant Record

Group and file numbers so you're ready to request the files as soon as you arrive at the Archives, saving days of research time. One caveat: Since 1755, Indian Affairs has been handled by many different branches of the federal government, from the military secretary to immigration. Check on the Indian Affairs Web site for an information sheet detailing changes in Indian Affairs administration: (www.inac.gc.ca/pubs/information/info38.html).

The National Library of Canada

www.nlc-bnc.ca

Like the Archives, you can search the bilingual catalogue from your desk. You can also confirm basic background facts about Canadian information and Canadian government information, as well as find anything published by a Canadian.

The Supreme Court of Canada and le Centre de recherche en droit public at the University of Montreal

www.droit.umontreal.ca/doc/csc-scc/en/index.html

On this searchable bilingual site, you'll find the complete decisions of the Supreme Court of Canada back to 1989.

University of Saskatchewan Archives

www.usask.ca/archives/car/car.html

This site provides the most comprehensive list of links to Canadian archives and associated historical resources available on the Internet with a particular focus on the Prairies. This is your best starting point when you begin your research, as you can find archives across the country.



News in Brief

COMMISSIONER HARPER: RE-CLAIMING OUR RELATIONSHIP TO THE LAND: SETTLING LAND CLAIMS IN THE NEW MILLENNIUM



Commissioner Elijah Harper: "Delays in settling lands claims rob us of a piece of our future."

The spirit and intent of the original treaties should be our guide in settling claims, Commissioner Elijah Harper told a crowd of students, faculty and others from Sudbury in a keynote address to launch Laurentian University's Native Awareness Week on November 1, 1999.

"It is time to return to the true meaning of our treaties. In Treaty 5, my forefathers' vision of our treaty was to live together in harmony and peacefully, to share the land and its resources, and to prosper together," said the Commissioner.

"Never has there been such a confluence of attention on settling First Nations' claims nor so much widespread interest in reconciling our relationship with the land. This is what feeds my optimism and why I believe the new millennium will see First Nations in control of their own land and, more important, of their own destiny. And it gives me hope that my dream and my vision of a reconciliation between Canada and First Nations is beginning to take place and that the healing will soon begin." The University's Native Awareness Week ran until November 7, 1999.

COMMISSION RECOMMENDS NEGOTIATION OF DUNCAN'S FIRST NATION CLAIM

In a report released September 10, 1999, the Commission recommended that the Government of Canada negotiate one of seven land claims put forward by the Duncan's First Nation of the Peace River district of Alberta.

"The Crown breached its fiduciary obligation with regard to Indian Reserve 151E, not because leasing may have been a viable option in a general sense, but because the Crown failed to present a farmer's specific leasing proposal to the Band for its consideration," said Commissioners in the report.

The Commission's review of the historical record found no evidence that Canada had breached either its fiduciary obligation to the First Nation or the land surrender provisions of the *Indian Act* in the surrender in 1928 of the remaining six parcels of reserve land.

Ten parcels of land, amounting to about 10,500 acres, had been reserved for the Duncan's First Nation in 1899 under Treaty 8, in part to protect it from an influx of non-aboriginal settlers and prospectors on their way to Yukon gold fields. In all, nine reserves amounting to

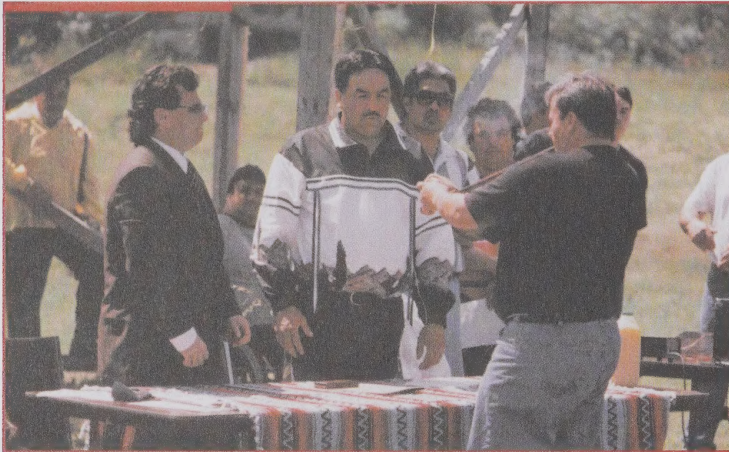
about half of the First Nation's land base were surrendered to government in 1928 for sale to farmers and homesteaders. The First Nation kept one reserve of 5,120 acres and another reserve of 960 acres was never sold and was returned in 1965.

In January 1997, Canada accepted a claim in relation to the wrongful surrender of a 160-acre reserve, IR 151 H, and that claim was dropped from the Commission's inquiry.



News in Brief (cont'd)

FORT WILLIAM FIRST NATION CELEBRATES A NEW BEGINNING



Michael Cory, CNR, and Chief Peter Collins with elders and Band Councillors look on as Pipe Carrier Brian Perrault of the Couchiching First Nation carries out part of the Pipe Ceremony at the July 14, 1999 Fort William First Nation celebration.

On July 14, 1999, after three years of negotiations with the Canadian National Railway (CNR), the Fort William First

Nation of northwestern Ontario celebrated the return of 4.4 square kilometres of waterfront land expropriated by the

railway 94 years earlier. The ceremony marked the largest return of reserve land expropriated by a railway in Canadian history.

The day began wet and rainy, but that did not dampen the enthusiasm of the participants, especially the bus load of exuberant children brought in to take part in the celebration. The sun was shining by the time the traditional Grand Entry and Pipe Ceremony began. Chief Peter Collins, on behalf of the First Nation, hosted the gathering of about 100 people at the Mount McKay lookout on the reserve, just south of Thunder Bay. Michael Cory of the CNR, Thunder Bay Mayor Ken Boschhoff, Indian Claims Commissioner Sheila Purdy, the Commission's Mediation and Legal Advisor Rob Reid, Gilles Rochon and other representatives of the Department of Indian Affairs, and representatives of local industries were among those in attendance.

Said Chief Collins before signing the official agreement with CNR execu-

CLAIMS IN INQUIRY

Alexis First Nation (Alberta) – Transalta Utilities right-of-way
Chippewas of the Thames (Ontario) – Clench defalcation
Chippewa Tri-Council (Ontario) – Coldwater-Narrows Reservation
Esketemc First Nation (British Columbia) – Alkali Indian Reserves 15,17,18
James Smith Cree Nation (Saskatchewan) – Chacastapasin
James Smith Cree Nation (Saskatchewan) – treaty land entitlement
James Smith Cree Nation (Saskatchewan) – Cumberland Indian Reserve 100A
Kluane First Nation (Yukon) – Kluane Park and Kluane Games Sanctuary

Mississaugas of the New Credit First Nation (Ontario) – Toronto purchase
Mistawasis First Nation (Saskatchewan) – 1911, 1917, 1919 surrenders
Mistawasis First Nation (Saskatchewan) – compensation criteria
Ocean Man Band (Saskatchewan) – treaty land entitlement
Sandy Bay Ojibway (Manitoba) – treaty land entitlement
Stanjikoming First Nation (Ontario) – treaty land entitlement

CLAIMS WITH REPORTS PENDING

Bigstone Cree Nation (Alberta) – treaty land entitlement
Carry the Kettle Band (Saskatchewan) – Cypress Hills
Cowessess First Nation (Saskatchewan) – 1907 surrender



tive Michael Cory, "Today is not a day for dwelling on the past, but it isn't possible to understand the importance of this occasion without knowing a bit about the hurt inflicted on us when the railway took our land. The elders say that our people were disheartened and demoralized. Today, Fort William First Nation is anything but disheartened and demoralized. This is an exciting day in our history, and I am pleased that you are here to share it with us."

Commissioner Sheila Purdy praised the community for taking matters into their own hands and already reaching agreements with other land holders of former reserve land, including Ontario Hydro, the Department of National Defence, and Bowater Incorporated, as well as the CNR.

"It was a pleasure to share such a happy day with the people of Fort William First Nation. They should be congratulated for their pragmatic and cooperative approach to resolving their land claim. The Commission is certainly

pleased to be facilitating a pilot project which may well become a model for other First Nations."

"The return of the land partly redresses a long-held grievance," said Michael Pelletier, the First Nation's Lands Manager. "The 1905 expropriation tore the guts out of the reserve. That's where everyone lived and worked, where the community maintained its houses, farms, church, orphanage, fishing docks, even the cemetery. The people were totally uprooted and forced to move to poorer land away from the waterfront." The First Nation will seek further redress through its specific claims against Canada, Mr Pelletier added.

Chief Collins noted that the return of the land marks a new future for the First Nation. The City and the First Nation have agreed to share equally the cost of developing an industrial park on some of the returned land. They anticipate this development will be a boon to the economy of the whole Thunder Bay region, providing jobs both on and off

the reserve. Some of the land is already used for industrial purposes.

The Indian Claims Commission, under its mediation mandate, continues to facilitate the negotiation of six specific claims which the Fort William First Nation has against Canada.

Key Band (Saskatchewan) – 1909 surrender
Long Plain First Nation (Manitoba) – loss of use
Peguis Indian Band (Manitoba) – treaty land entitlement
Roseau River Anishinabe First Nation (Manitoba) –
medical aid
Walpole Island First Nation (Ontario) – Boblo Island

Fishing Lake First Nation (Saskatchewan) – 1907 surrender
Fort William First Nation (Ontario) – pilot project
Kahkewistahaw First Nation (Saskatchewan) – 1907
surrender
Michipicoten First Nation (Ontario) – pilot project
Peepeekisis First Nation (Saskatchewan) – File Hills colony
Roseau River Anishinabe (Manitoba) – 1903 surrender
Thunderchild First Nation (Saskatchewan) – 1908 surrender

CLAIMS IN FACILITATION OR MEDIATION

Blood Tribe/Kainaiwa (Alberta) – Akers surrender 1889
Cote First Nation (Saskatchewan) – 1905 surrender pilot
project
Cote, Key, and Keeseekoose First Nations (Saskatchewan) –
Pelly Hay Lands



Of Interest

ENGAGING SPEAKERS

Commissioners are available to speak to your organization about the work of the Commission and specific land claims. If you have an event that could use an informative speaker, contact ICC communications by telephone (613) 943-1607; fax (613) 943-0157 or email <mcooking@indianclaims.ca>. (Please note that Commissioners may not be able to attend all proposed events.)

GET THE FACTS ON CLAIMS



What are Indian land claims? What is a TLE claim? What is a surrender claim?

How many times have you been asked these questions only to spend 20 minutes answering? Specific claims are based in history,

law, and policy and are often complex. Now, the Indian Claims Commission has launched a series of fact sheets called *The Facts on Claims* to explain the basics behind specific claims. They are available free of charge as a public education tool for any organization or First Nation with an interest in claims. To get the Facts on Claims, call (613) 947-0755 or email <cfigeat@indianclaims.ca>.

New Staff

DEBORAH STEWART, RESEARCHER

Deborah Stewart, a historical researcher for more than 20 years, recently joined the Commission's research team. Ms Stewart has exclusively researched First Nation specific claims across Canada for the past five years. She also served for a number of years as Chief Librarian for a community library, and has a master's degree in Canadian history. Her research has been published in several historical works, including *The Dictionary of Canadian Biography*.



A former librarian and published historian, Ms Stewart joins the Commission research team.

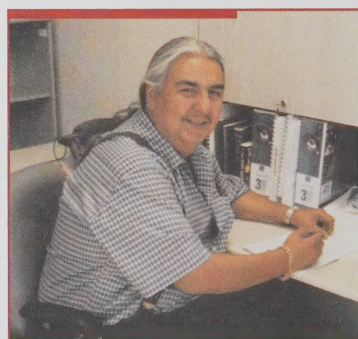
LOUIS (SMOKEY) BRUYERE, MEDIATION STUDIES COORDINATOR

Louis Bruyere – or Smokey as he asks most people to call him – brings a wealth of experience to the Commission and his new position as mediation studies coordinator.

Born on the Couchiching reserve in northern Ontario, Mr Bruyere has worked with many aboriginal organizations, including terms as president of the Native Council of Canada (now the Congress of Aboriginal Peoples) and of the Métis and Non-Status Indian Association of Ontario. In 1988, however, he left politics to try a different life.

"I went into the antique business and the restaurant business and nearly starved. I shut both businesses down when I got a job at the Department of Indian Affairs and Northern Development, because my wife and I both liked the idea of a pay cheque every two weeks," says Mr Bruyere.

From 1991-99, he worked at DIAND as the Coordinator for the Fur Program, where he received the Deputy Minister's Achievement Award, Federal Public



Smokey Bruyere manages independent research contracts for claims in mediation with the Commission.

Service Award and the department's Circle of Excellence Award for his work.

"Not long after starting with the Commission, I bumped into a former DIAND director general who asked how I was doing at my new job," reports Mr Bruyere.

"When I said just fine, he joked, 'well, I hope that you can do better there than you managed to do in the department.' I hope so too."



Avis aux intéressés

CONFÉRENCIERS

Nos commissaires peuvent s'adresser aux membres de votre organisme au sujet des activités de la Commission et des revendications territoriales particulières. Si vous avez besoin d'un conférencier informatif pour une activité, communiquez avec le service des communications de la CRI, par téléphone au (613) 943-1607, par télécopieur au (613) 943-0157, ou par courriel électronique à mccockin@indianclai.ms.ca. (Veuillez prendre note que les commissaires ne peuvent pas participer à toutes les activités proposées.)

Nouveaux membres du personnel

DEBORAH STEWART, SPÉCIALISTE DE LA RECHERCHE

Deborah Stewart, spécialiste de la recherche historique depuis plus de vingt ans, s'est jointe récemment à l'équipe de recherche de la Commission. Depuis, Mme Stewart s'est consacrée exclusivement à la recherche sur les revendications particulières des Premières Nations partout au Canada. Elle a aussi agi pendant un certain nombre d'années comme bibliothécaire en chef dans une bibliothèque communautaire, et elle possède un diplôme de maîtrise en histoire canadienne. Ses recherches ont été publiées dans plusieurs ouvrages d'histoire, dont le *Dictionnaire biographique du Canada*.

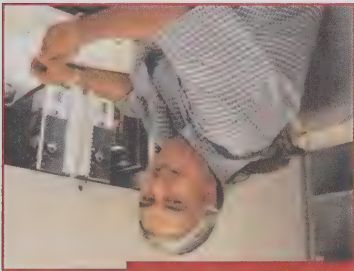


Mme Stewart, ancienne bibliothécaire et auteure d'ouvrages d'histoire, vient de se joindre à l'équipe de recherche.

LOUIS (SMOKEY) BRUYERE, COORDONNATEUR DES ÉTUDES DE MÉDIATION

Louis Bruyère – ou Smokey comme il est appelé – amène à la Commission et à son nouveau poste de coordonnateur des études de médiation une riche expérience. Né dans la réserve de Couchiching dans le nord de l'Ontario, M. Bruyère a travaillé auprès de nombreux organismes autochtones. Il a notamment été président du Conseil national des Autochtones du Canada (maintenant le Congrès des Peuples autochtones) et de l'Association des Métis et des Indiens de l'Ontario. Toutefois, en 1988 il quitte la politique pour essayer une vie différente.

« Je me suis lancé dans les antiquités et la restauration et j'y ai laissé ma chemise. J'ai fermé les deux commerces lorsque j'ai trouvé un emploi au ministère des Affaires indiennes et du Nord canadien, parce que ma femme et moi aimions tous deux l'idée de recevoir un chèque de paie aux deux semaines », déclare M. Bruyère. De 1991 à 1999, il travaille au MAINC comme coordonnateur du Programme des prix spécial du sous-ministre, le prix des fourrures et y reçoit pour son travail



Smokey Bruyère responsable des contrats de recherche indépendante sur les revendications en médiation auprès de la Commission.

d'excellence de la fonction publique fédérale et le prix du Cercle d'excellence des ministères.

« Peu de temps après avoir commencé à la Commission, je suis tombé face à face avec un ancien directeur général du MAINC qui m'a demandé comment je me débrouillais dans mes nouvelles fonctions », signale M. Bruyère.

« Lorsque je lui ai répondu très bien, il m'a dit à la blague 'J'espère que tu peux faire mieux que ce que tu as réussi à faire au Ministère.' Et c'est ce que je souhaite moi aussi. »

OBTENEZ LES FAITS SUR LES REVENDICATIONS



Qu'enlèvent-on par revendications territoriales des Indiens? Qu'est-ce qu'une revendication de DIT? Qu'est-ce qu'une question et avez-vous passé 20 minutes à y répondre? Les revendications particulières sont souvent complexes et elles relèvent de l'histoire, du droit et de la politique du gouvernement. La Commission des revendications des Indiens lance maintenant une série de fiches d'information intitulées *Les faits sur les revendications* afin d'expliquer les éléments fondamentaux entourant les revendications particulières. Elles sont offertes gratuitement et constituent un outil d'éducation publique utile aux organisations ou Premières Nations intéressées aux revendications. Pour commander Les faits sur les revendications, adressez-vous au (613) 947-0755 ou par courriel à chigate@indianclai.ms.ca.

En bref (suite)

LA PREMIÈRE NATION DE FORT WILLIAM CÉLÈBRE UN NOUVEAU DÉBUT



Michael Cory, du CN, et le chef Peter Collins avec les anciens et les conseillers surveillent le gardien du calumet Brian Perrault, de la Première Nation de Couchiching, alors qu'il exécute une partie de la cérémonie du calumet lors de la célébration de la Première Nation de Fort William le 14 juillet 1999.

Le 14 juillet 1999, après trois ans de négociations avec la Compagnie des chemins de fer nationaux du Canada (CN), la Première Nation de Fort William, dans le nord-ouest de l'Ontario, a célébré la restitution de 4,4 kilomètres

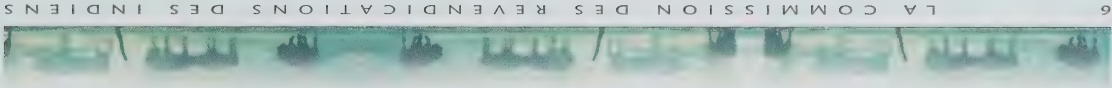
carres de terres riveraines expropriées par la société ferroviaire 94 ans plus tôt. La cérémonie marquait la plus importante restitution de terres de réserve expropriées par une compagnie de chemin de fer dans l'histoire du Canada. La journée s'annonçait humide et pluvieuse, mais cela n'a pas diminué l'enthousiasme des participants, particulièrement du groupe d'enfants exubérants venus en autobus prendre part à la célébration. Le soleil était revenu au moment où ont commencé le traditionnel défilé solennel et la cérémonie du calumet. Le chef Peter Collins, au nom de la Première Nation, était l'hôte des quelque 100 personnes réunies sur le promontoire du mont McKay, qui surplombe la réserve, tout juste au sud de Thunder Bay. Parmi les dignitaires, soulignons la présence de Michael Cory du CN, du maire de Thunder Bay Ken Boschko, de la commissaire Sheila Purdy de la Commission des revendications des Indiens, du conseiller en médiation et conseiller juridique Rob Reid de la CRI,

REVENDICTIONS FAISANT L'OBJET D'UNE ENQUÊTE

Première Nation d'Alexis (Alberta) – Emprise de la Transalta Utilities
Chippewas de la Thames (Ontario) – malversations (Clench)
Conseil tripartite chippawaouais (Ontario) – réserve de Coldwater-Narrows
Première Nation de Eskehemc (Colombie-Britannique) – réserves indiennes Aikali 15,17,18
Nation crie de James Smith (Saskatchewan) – Chacastapasin
Nation crie de James Smith (Saskatchewan) – droits fonciers
Issus de traité
Nation crie de James Smith (Saskatchewan) – réserve indienne de Cumberland 100A
Première Nation de Kluane (Yukon) – Parc Kluane et sanctuaire pour le gibier de Kluane

RAPPORTS IMMINENTS

Mississauga de New Credit (Ontario) – terres achetées à Toronto
Première Nation de Mistawasis (Saskatchewan) – cessions de 1911, 1917, 1919
Première Nation de Mistawasis (Saskatchewan) – critères de compensation
Bande d'Ocean Man (Saskatchewan) – droits fonciers
Ojibways de Sandy Bay (Manitoba) – droits fonciers
Première Nation de Stanjikoming (Ontario) – droits fonciers
Bande de Carry the Kettle (Saskatchewan) – Cypress Hills



réglent les revendications territoriales nous privent d'une partie de notre avenir.



« Dans un rapport publié le 10 septembre 1999, la Commission recommande que le gouvernement du Canada négocie l'une des sept revendications foncières présentées par la Première Nation de Duncan, dans le District de la rivière de la Paix, en Alberta.

Plein feu sur internet

SITES UTILES POUR LA RECHERCHE SUR LES REVENDICATIONS

faire, de votre bureau, des recherches dans la collection et obtenir tous les groupes d'archives pertinents et numéros de dossier de manière à être prêt à demander ces dossiers en arrivant aux Archives, ce qui vous épargnera des jours entiers de temps de recherche. Il y a cependant une lacune, depuis 1755, les Affaires indiennes ont relevé de différents secteurs du gouvernement fédéral, du secrétariat militaire à l'immigration. Consulter le site des Affaires indiennes où on trouve une fiche d'information détaillant les changements survenus dans l'admission : <http://www.inac.gc.ca/pubs/information/info38.f.htm>.

La Bibliothèque nationale du Canada www.bnc-bnc.ca

Comme dans le cas des Archives, vous pouvez faire de votre bureau des recherches au catalogue de ce site (bilingue). Vous pouvez aussi confirmer des faits de base concernant le Canada et le gouvernement canadien, de même que trouver tout ce qui a été publié par un auteur canadien.

La Cour suprême du Canada et le Centre de recherche en droit public de l'Université de Montréal <http://www.droit.umontreal.ca/doc/csc-scc/fr/index.html>

Sur ce site (bilingue) consultable, vous trouverez l'ensemble des décisions de la Cour suprême du Canada depuis 1989.

Archives de l'Université de la Saskatchewan www.usask.ca/archives/car/car.html

Ce site offre la liste la plus complète de liens vers des archives canadiennes et des ressources historiques connexes présentes sur Internet et accorde un intérêt particulier aux Prairies. Il s'agit du meilleur endroit où entreprendre vos recherches, puisque vous y trouverez des archives de partout au Canada.

Fred Pashe's Native Pages <http://juliet.stfx.ca/~rmackinn/native.htm>

Une autre liste complète de liens, dont un choix imposant de liens sur les Mikmaq. **La Commission des revendications des Indiens** www.indianclaims.ca

On y trouve le texte complet de tous les rapports de la Commission, ainsi que d'autres publications de la Commission, d'autres revendications où est fait la carte des revendications ou est fait le point sur les revendications soumisees la Commission au Canada, et d'autres renseignements de base sur la Commission et les revendications particulières. Utilisez le moteur de recherche pour vous aider à trouver ce que vous cherchez si vous ne savez pas quel rapport ou quelle publication contient l'information qui vous intéresse.

Indigenous Bar Association www.indigenousbar.ca

La plupart des affaires touchant le droit autochtone peuvent être téléchargées ou consultées sur ce site, de l'arrêt *Sparrow* en 1989 à la décision *Corbiere* en 1999.

Academic Info, histoire canadienne www.academicinfo.net/canhist.html

Ce site, tenu par Mike Madin de Academic Info à Seattle, Washington, offre une introduction complète à l'histoire canadienne, des liens avec le *Canadian Journal of History*, avec les archives provinciales du Manitoba, qui détiennent maintenant les archives de la Compagnie de la Baie d'Hudson, ainsi qu'avec plusieurs musées du Canada.

Les Archives nationales du Canada, ArchiviaNet www.archives.ca

À la page d'accueil (bilingue) des Archives nationales du Canada, cliquez sur le bouton ArchiviaNet et vous pourrez

Un mot définit bien Internet: chaos. Il n'existe pas de règle régissant Internet, qu'on appelle aussi la toile mondiale ou le Web. Il n'y a pas d'instructions définies de façon correcte de trouver ou de faire les choses. Les sites Web vont et viennent rapidement, mais Internet peut tout de même receler un trésor d'information pour les personnes intéressées à creuser un peu. Grâce à Internet, vous pouvez accéder aux bases de données d'une autre organisation sans sortir de chez vous.

Voici une série de sites bien connus de ressources autochtones. Petit indice : entreprenez votre recherche à l'index des sites en histoire de l'Université de la Saskatchewan. Vous y trouverez des archives de partout au Canada qui vous aideront à trouver les meilleures ressources. Toutes les adresses Internet qui suivent étaient à jour au moment de publier.

Liens du Centre professionnel et des Services Internet autochtones www.johnco.com/native/

Un site extrêmement bien organisé, tenu par les mêmes personnes qui publient SSHARE.

Bill's Aboriginal Links www.bloorsireet.com/300block/aborigincan.htm

L'une des plus complètes collections d'information que l'on puisse trouver, tenue par l'avocat Bill Henderson.

Ministère des Affaires indiennes et du Nord canadien www.inac.gc.ca

Sur ce site (bilingue), le Ministère regroupe d'information sur ses politiques et programmes, mais le site ne possède pas de moteur de recherche.





comme les assemblées législatives sont

Après la Proclamation royale de 1763 à laquelle 2 000 chefs à Niagara, les chefs leur ont donné en échange plusieurs ceintures de wampums à deux rangs. Les deux rangées parallèles de coquillages mauves perdus représentent la façon de voir la Proclamation par les Premières Nations – deux nations vivant côte à côte en paix. Chaque ceinture de wampums, soigneusement tissée et portant des symboles différents illustre des événements ou des ententes, est détenue par des « gardiens du wampum », des anciens désignés pour les « lire » et en expliquer la signification. Les Archives Nationales du Canada



Dans l'arrêt *Delgamuikw*, le tribunal de première instance a rejeté les chants et histoires des anciens gitksan et wet'suwet'en, les qualifiant de ouï-dire, mais en 1997 la Cour suprême concluait que l'histoire et la tradition orale méritent le même respect que la preuve document-

« L'histoire écrite. »
étaient peu fiables, favorisant plutôt l'histoire orale des Autochtones. « Apparaissant, les tribunaux et le gouvernement considéraient que l'histoire judiciaire lors des audiences publiques, des concepts occidentaux de procédure intégrait la tradition orale autochtone à l'histoire et la tradition orale, le processus unique d'enquête de la Commission de la Cour suprême du Canada dans l'affaire *Delgamuikw* valide le recours à « Longtemps avant que la décision d'une revendication territoriale.

« Longtemps avant que la décision d'une revendication territoriale. »
« L'histoire et la tradition orale »
« L'histoire et la tradition orale »

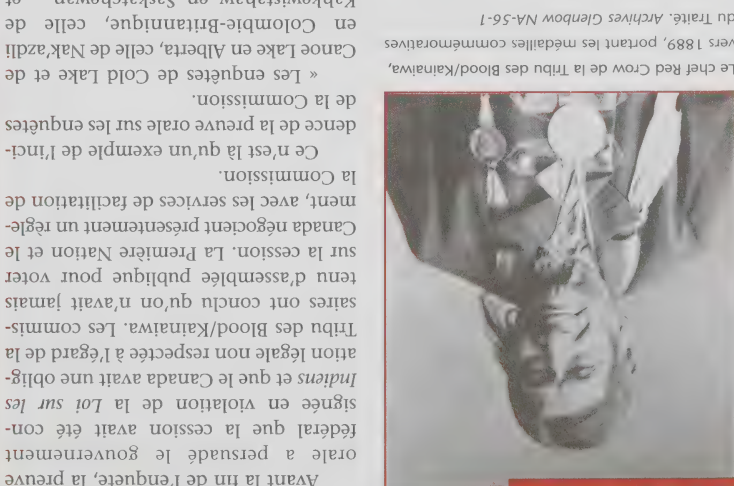
« L'histoire et la tradition orale »
« L'histoire et la tradition orale »



Shot Both Sides – grand chef de la Tribu des Blood/Kainaiwa de 1913. Photo prise par T.J. Hilleman en 1927. Archives Glenbow NB-21-13

« L'histoire et la tradition orale »
« L'histoire et la tradition orale »

« L'histoire et la tradition orale »
« L'histoire et la tradition orale »



Le chef Red Crow de la Tribu des Blood/Kainaiwa, vers 1889, portant les médailles commémoratives du Traité. Archives Glenbow NA-56-1

« L'histoire et la tradition orale »
« L'histoire et la tradition orale »

« L'histoire et la tradition orale »
« L'histoire et la tradition orale »

À l'écoute des anciens : INCIDENCE DE L'HISTOIRE ET DE LA TRADITION ORALES SUR LES ENQUÊTES DE LA COMMISSION



On conservait la viande en la faisant sécher au soleil. Lorsqu'elle était séchée, il était possible de la transformer en pemmican ou de l'entreposer pour usage ultérieur. Vue de la réserve des Blood dans les années 1920. Archives Glenbow NA-879-5

Lors de l'enquête sur la "Tribu des Blood/Kainaiwa, les dossiers du gouvernement racontaient une partie de ce qui est arrivé en 1889 lorsque le gouvernement a cédé 440 acres de terres de réserve. L'histoire orale des anciens racontait une autre partie très importante. Finalement, les histoires écrites et orales ont été négligées pour comprendre vraiment ce qui s'est passé.

Le dossier documentaire montre que le chef Red Crow, à la tête de la Tribu des Blood/Kainaiwa en 1889, a apposé sa marque sur un document de cession devant un juge de paix. Lors de l'audience publique, il est toutefois apparu à la Commission que les membres de la Tribu des Blood/Kainaiwa n'avaient aucun souvenir d'une assemblée de cession et que les anciens croient que la cession a été obtenue par fraude.

Wilton Good Striker, par exemple, a fait remarquer que ce n'est qu'au 20^e siècle qu'est apparu dans la langue des Blood un terme exprimant le concept de « cession ». L'ancienne Margaret Hind Man se rappelle

« J'ai entendu les Anciens raconter qu'au moment de la négociation des traités, la fumée du calumet a porté jusqu'au Cratère, l'entente ainsi conclue, rendant celle-ci éternelle. Une entente peut être gravée dans la pierre, mais la pierre peut se fissurer. Pour les Premières Nations, la fumée s'échappant du calumet signifiait qu'on ne pourrait plus rien changer aux traités. »

Ernest Benedict Ancien (Mohawk)
Akwasasne (Ontario)
Juin 1992

CONTENU

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Jalons est un bulletin dans lequel la Commission des revendications des Indiens informe le public intéressé de ses activités et des récents développements dans le dossier des revendications particulières. Comme toutes les autres publications de la Commission, on peut aussi le consulter sur Internet à l'adresse www.indianclaims.ca. Faites-le circuler ou distribuez-le à vos collègues, à vos amis. Si vous avez des questions, des commentaires ou des suggestions, contactez : Marie Cocking, Agente principale des communications
Tél. : (613) 943-1607
Fax : (613) 943-0157
Courriel : mccocking@indianclaims.ca

Les bureaux de la Commission des revendications des Indiens sont situés à l'adresse suivante :
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427, avenue Laurier Ouest,
Suite 400 Ottawa (Ontario) K1R 7Y2

